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| 10/823,764  | 04/14/2004  | David J. Khoury      | 2380-827            | 4671             |
| 23117 7590 07/08/2008<br>NIXON & VANDERHYE, PC<br>901 NORTH GLEBE ROAD, 11TH FLOOR<br>ARLINGTON, VA 22203 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| KANGARLOO, RAMTIN   |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/823,764

## Applicant(s)

KHOURY ET AL.

## Examiner

RAMTIN KANGARLOO

## Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03/31/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

1. Applicant's amendment filed on March 31, 2008 has been entered. Claims 1-32 are still pending in this application, with claim 1, 2, 4, 5, 14, 15, 17 and 24 being independent.

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10, 13-19, 21, 24-27, and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Widegren (US Patent Application Publication No 2002/0062379).

Regarding **claim 1**, Widegren discloses a node of a communications network which dynamically establishes one or more access bearers (fig.19, access bears between access point 14 and multimedia system 16) to a stationary equipment unit (access point) which is connected to the node (fig.19, multimedia system 16) by an essentially fixed location physical link (Abstract) the stationary equipment unit (access point) comprising a user terminal through which a user can interface using an input

device (the access point has a user terminal and interface to make a connection to multimedia system 16 in fig. 9).

Regarding **claim 2**, Widegren discloses a node of a communications network which dynamically establishes one or more access bearers to a stationary equipment unit (access point) which is connected to the node (fig.19, multimedia system 16) by an essentially fixed location physical link, differing ones of the multiple access bearers being configured for utilization by differing types of media services (Abstract) the stationary equipment unit (access point) comprising a user terminal through which a user/ subscriber to the differing types of media services can interface using an input device (the access point has a user terminal and interface to make a connection to multimedia system 16 in fig. 9).

Regarding **claim 3**, Widegren discloses the apparatus of claim 2, wherein the one or more access bearers carry connections for plural services of its associated type of media service (Abstract).

Regarding **claim 4**, Widegren discloses a node of a communications network which dynamically establishes plural access bearers to a stationary equipment unit (access point) which is connected to the node (fig.19, multimedia system 16) by an essentially fixed location physical link, the access bearers providing different types of services to the stationary equipment unit, the different types of services including one

of voice services, video services, and data traffic services (see Page. 1, Paragraph [0004] and Abstract) the stationary equipment unit comprising a user terminal through which a user/ subscriber to the differing types of media services can interface using an input device (the access point has a user terminal and interface to make a connection to multimedia system 16 in fig. 9).

Regarding **claim 5**, Widegren discloses a node of a communications network comprising:

a port by which the node is connectable by an essentially fixed location physical link to a stationary equipment unit (see Page. 11, Paragraph [0126]) the stationary equipment unit (access point) comprising a user terminal through which a user can interface using an input device (the access point has a user terminal and interface to make a connection to multimedia system 16 in fig. 9);

a connection control (fig. 19, 48 and 46) unit which dynamically establishes one or more access bearers for providing services to the stationary equipment unit (Fig. 19, communication between multimedia system 16 and access point 14);

a bearer service processing unit which maps the access bearers into packets of a transport protocol of the essentially fixed location physical link (see Page. 4, Paragraph [0036] and Abstract).

Regarding **claim 6**, Widegren discloses the apparatus of claims 1, 2, 4, or 5, wherein the node establishes multiple simultaneous access bearers (Fig. 19).

Regarding **claim 7**, Widegren discloses the apparatus of claims 1, 2, 4, or 5, wherein the multiple access bearers do not necessarily have a same bandwidth and a same quality of service capabilities (see Page. 1, Paragraph [0004] and Page. 10, Paragraph [0122]).

Regarding **claim 8**, Widegren discloses the apparatus of claims 1, 2, 4, or 5, wherein the multiple access bearers do not have a same bandwidth and a same quality of service capabilities (see Page. 1, Paragraph [0004] and Page. 10, Paragraph [0122]).

Regarding **claim 10**, Widegren discloses the apparatus of claims 1, 2, or 5, wherein the node establishes access bearers for providing different types of services to the stationary equipment unit, the different types of services including one of voice services, video services, and data traffic services (see Page. 1, Paragraph [0004] and Page. 10, Paragraph [0121]).

Regarding **claim 13**, Widegren discloses the apparatus of claim 5, wherein the bearer service processing unit maps the multiple access bearers into packets of the transport protocol of the essentially fixed location physical link (see Page. 4, Paragraph [0036] and Fig.19).

Regarding **claim 14**, Widegren discloses a method of operating a communications network comprising:

connecting a stationary equipment unit (access point) to an access interface node (multimedia system 16 in fig.19) by an essentially fixed location physical link, the stationary equipment unit (fig. 19, access point 14) comprising a user terminal through which a user can interface using an input device (the access point has a user terminal and interface to make a connection to multimedia system 16 in fig. 9);

dynamically establishing one or more access bearers (Fig. 19) for providing services to the stationary equipment unit (access point);  
mapping the access bearers into packets of a transport protocol of the essentially fixed location physical link (see Page. 4, Paragraph [0036] and Abstract).

Regarding **claim 15**, Widegren discloses a method of operating a communications network comprising:

connecting a stationary equipment unit to an access interface node by an essentially fixed location physical link, the stationary equipment unit (access point) comprising a user terminal through which a user/ subscriber to the differing types of media services can interface using an input device (the access point has a user terminal and interface to make a connection to multimedia system 16 in fig. 9);

dynamically establishing one or more access bearers (Fig. 19) for providing the services to the stationary equipment unit (fig.19, access point 14), differing ones of the

Art Unit: 2619

multiple access bearers being configured for utilization by the differing types of media services;

mapping the access bearers into packets of a transport protocol of the essentially fixed location physical link (see Page. 4, Paragraph [0036] and Abstract).

Regarding **claim 16**, Widegren discloses the method of claim 15, further comprising carrying, on at least one of the multiple access bearers, connections for plural services of its associated type of media service (see Page. 6, Paragraph [0067]).

Regarding **claim 17**, Widegren discloses a method of operating a communications network comprising:

connecting a stationary equipment unit (access point) to an access interface node (fig.19, multimedia system 16) by an essentially fixed location physical link, the stationary equipment unit comprising a user terminal through which a user can interface using an input device (the access point has a user terminal and interface to make a connection to multimedia system 16 in fig. 9);

dynamically establishing plural access bearers for providing the services to the stationary equipment unit (fig.19, access point 14), the access bearers providing the different types of services to the stationary equipment unit (see Page. 1, Paragraph [0004]), the different types of services including one of voice services, video services, and data traffic services



mapping the plural access bearers into packets of a transport protocol of the essentially fixed location physical link (see Page. 1, Paragraph [0004] and Abstract).

Regarding **claim 18**, Widegren discloses the method of claims 14, 15, or 17, further comprising establishing multiple simultaneous access bearers to the stationary equipment unit (Fig. 19).

Regarding **claim 19**, Widegren discloses the method of claim 14, 15, or 17, further comprising configuring the multiple simultaneous access bearers to have different bandwidths and different quality of service capabilities (see Page. 1, Paragraph [0004] and Page. 10, Paragraph [0122]).

Regarding **claim 21**, Widegren discloses the method of claim 14 or 15, further comprising establishing access bearers for providing different types of services to the stationary equipment unit, the different types of services including one of a voice service, a video service, and a data traffic service (see Page. 1, Paragraph [0004] and Page. 10, Paragraph [0121]).

Regarding **claim 24**, Widegren discloses a stationary equipment unit comprising:  
means for forming a physical connection to a network by a non-radio fixed position physical link (communication between access point 14 and multimedia system 16 in fig 16);

means for executing plural media services (session control 48 in fig. 19);

a protocol stack (See paragraph [0004], lines 1-4, IP is a protocol stack) which, for the plural media services, utilizes dynamically established access bearers which are mapped into packets of a transport protocol of the essentially fixed location physical link (see Page. 1, Paragraph [0004] and Abstract) an input device configured to provide an interface for a user to the plural media services .

Regarding **claim 25**, Widegren discloses the apparatus of claim 24, wherein differing ones of the multiple access bearers are configured for utilization by differing types of media services (see Page. 4, Paragraph [0041].

Regarding **claim 26**, Widegren discloses the apparatus of claim 25, wherein the different types of services including one of voice services, video services, and data traffic services (see Page. 1, Paragraph [0004] and Page. 10, Paragraph [0121]).

Regarding **claim 27**, Widegren discloses the apparatus of claim 24, wherein the multiple access bearers do not necessarily have a same bandwidth and a same quality of service capabilities (see Page. 1, Paragraph [0004] and Page. 10, Paragraph [0122]).

Regarding **claim 31**, Widegren discloses the apparatus of claim 24, further comprising means for providing mobile termination across a radio interface (see Page. 8, Paragraph [0101]).

Regarding **claim 32**, Widegren discloses the apparatus of claim 24, further comprising a USIM card (see Page. 8, Paragraph [0104]).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (US Patent Application Publication No 2002/0062379) in view of Soininen (Patent Application Publication No WO 03/003767).

Regarding **claim 9, 20 and 28**, Widegren discloses all of the limitations as applied to claim 1, 17 and 24. Widegren does not specifically disclose the multiple simultaneous access bearers include both circuit switched access bearers and packet switched access bearers. Soininen teaches the multiple simultaneous access bearers

Art Unit: 2619

include both circuit switched access bearers and packet switched access bearers (See Abstract).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount circuit switched and packet switched access bearers taught by Soininen on to the equipment unit as shown in Widegren to deliver a user packet in order to balance the utilization of the bandwidth over both parts of the network.

6. Claims 11, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (US Patent Application Publication No 2002/0062379) in view of Bugeja (US Patent Application Publication No 2002/0177446)

Regarding **claim 11, 22 and 29** Widegren discloses all of the limitations as applied to claim 1, 17 and 24. Widegren does not specifically disclose the essentially fixed location physical link is one of the following: (1) a wire line link; (2) an optical link; (3) a radio link of a radio access network which does not involve mobility management. Bugeja teaches the essentially fixed location physical link is one of the following: (1) a wire line link; (2) an optical link; (3) a radio link of a radio access network which does not involve mobility management (see Page. 1, Paragraph [0006]).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount links taught by Bugeja on to the equipment unit as show in Widegren to deliver a user packet in order to improved quality of service.

7. Claims 12, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (US Patent Application Publication No 2002/0062379) in view of Oyama (US Patent Application Publication No 2002/0165966).

Regarding **claim 12**, Widegren discloses all of the limitations as applied to claim 5. Widegren does not specifically disclose wherein the packets of the transport protocol are one of Internet Transport Protocol (IP) packets and Asynchronous Transfer Mode (ATM) packets. Oyama teaches wherein the packets of the transport protocol are one of Internet Transport Protocol (IP) packets and Asynchronous Transfer Mode (ATM) packets. (see Page. 6, Paragraph [0075]).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include quality of service mechanisms taught by Oyama in the system as show in Widegren to deliver a user packet in order to provide different priority to different applications.

Regarding **claim 23 and 30** Widegren discloses all of the limitations as applied to claim 15 and 24. Widegren does not specifically disclose further comprising using as the packets of the transport protocol one of Internet Transport Protocol (IP) packets and Asynchronous Transfer Mode (ATM) packets. Oyama teaches further comprising using as the packets of the transport protocol one of Internet Transport Protocol (IP)

packets and Asynchronous Transfer Mode (ATM) packets (see Page. 6, Paragraph [0075]).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include quality of service mechanisms taught by Oyama in the system as show in Widegren to deliver a user packet in order to provide different priority to different applications.

#### **Response to Amendment**

8. Applicant's arguments with regards to claims 1-32 filed on March 31, 2008 have been fully considered but they are not persuasive.

On page 11 of the applicant's response, Applicant argued that "Widegren's Abstract does not refer to stationary equipment unit" The Examiner respectfully disagrees. As disclosed on Abstract, lines 1-4, Widegren discloses that "to set up a multimedia session involving a mobile terminal, a session packet access bearer is established between the mobile terminal and an access point to a packet data network by way of a radio access network." Access point is stationary equipment unite.

#### **Reason for non final**

Regarding **claim 1 and 12**, Withdraw claims rejection under 35 U.S.C. 102(e) as being anticipated by Widegren (US Patent Application Publication No 2002/0165966).

#### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMTIN KANGARLOO whose telephone number is (571)270-3452. The examiner can normally be reached on Mon to Fri 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on (571) 272- 3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAMTIN KANGARLOO/  
Examiner, Art Unit 2619  
June 9, 2008

/Chirag G Shah/  
Supervisory Patent Examiner, Art Unit 2619

